



# PLANNING & ZONING COMMISSION

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>10/9/07</b>	<b>AGENDA REQUEST NO:</b>	<b>V B</b>
<b>INITIATED BY:</b>	<b>RUTH LOHMER, PLANNER II</b> <i>RL</i>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>PLANNING</b>
<b>PRESENTED BY:</b>	<b>RUTH LOHMER, PLANNER II</b>	<b>ASSISTANT PLANNING DIRECTOR:</b>	<b>DOUGLAS P. SCHOMBURG, AICP</b> <i>Douglas P. Schomburg</i>
		<b>ADDITIONAL DEPARTMENT HEAD (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>PERMANENT ZONING FROM INTERIM STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) TO STANDARD SINGLE -FAMILY RESIDENTIAL (R-1) FOR TELFAIR SECTION 15 CONSIDERATION AND ACTION</b>		
<b>EXHIBITS:</b>	<b>VICINITY MAP, EXCERPT FROM APPROVED GENERAL PLAN, APPLICATION, CORRESPONDENCE FROM APPLICANT, LEGAL DESCRIPTION</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>DIRECTOR OF PLANNING:</b>	<b>SABINE SOMERS-KUENZEL</b> <i>AK</i> <b>AICP</b>
<b>RECOMMENDED ACTION</b>			
Recommendation of approval to Council for the proposed permanent zoning to R-1.			
<b>EXECUTIVE SUMMARY</b>			
<p>This is a request to permanently zone the area of Telfair Section 15, consisting of 40.79 acres, from Interim Standard Single-Family Residential (R-1) to permanent Standard Single-Family Residential (R-1). The property is located in Tract 4 of the Telfair development north of Telfair Section 9. The Telfair property was annexed by the City under Ordinance No. 1431 on April 6, 2004 and was officially incorporated into the City on July 1, 2004. At that time Interim R-1 zoning was applied to the annexed area. This request is in conformance with the Telfair General Plan (Amendment No. 3), approved by Council on December 19, 2006 and is not in conflict with the City of Sugar Land Comprehensive Plan. This rezoning request, if approved by City Council, would require this property to comply with all R-1 (Standard Single-Family Residential) regulations as contained in Chapter 2 of the City of Sugar Land Development Code.</p> <p>The Planning and Zoning Commission held a Public Hearing on September 27, 2007 and there was no public comment. The Commission held a discussion in which several questions were asked of staff and the applicant. The Commission asked why the adjacent levee and ditch to the north of the property were not a part of the rezoning request. The applicant indicated that these areas have already been conveyed by the developer to the Levee Improvement District and therefore would only be used for drainage. The Commission also asked about</p>			

the drill site shown on the General Plan and questioned whether it should be zoned as something other than residential. Staff indicated that if the site is used for drilling, which it may never be, the use as such will only be temporary. If the site is ever developed, the property would have to be in compliance with the zoning in place at that time. Therefore staff has determined that R-1 zoning is appropriate for the site in order for any future development of the drill site to be compatible with the surrounding residential area. This permanent zoning addition for Telfair Section 15 will bring the total R-1 acreage in Telfair to 536.2 acres.

Cc: Jason Kelly, P.E., LJA Engineering & Surveying, Inc.

Fax: (713) 953-5026

[jkelly@ljaengineering.com](mailto:jkelly@ljaengineering.com)

Keith Behrens, P.E., NNP-Telfair, LP

Fax: (713) 575-9001

[kbehrens@newlandcommunities.com](mailto:kbehrens@newlandcommunities.com)

File No. P0008489

## EXHIBITS

### STAFF REPORT

#### DETAILED INFORMATION

#### GENERAL SITE INFORMATION AND ANALYSIS:

<b>Compliance with Comprehensive Plan</b>	<b>This proposal is not in conflict with the Comprehensive Plan.</b>
<b>Compliance with General Plan</b>	<b>Telfair General Plan Amend. No. 3 indicates R-1 for this section.</b>
<b>Subject Property</b>	<b>Interim Standard Single Family Residential (R-1)</b>
<b>Surrounding Property Zoning</b>	<b>North: Interim Standard Single-Family Residential (R-1) South: Single-Family Residential (R-1) East: Interim Standard Single-Family Residential (R-1) West: N/A</b>
<b>Surrounding Land Use</b>	<b>North: Undeveloped South: Developed Single-Family Residential East: Undeveloped West: COSL ETJ – New Territory Subdivision</b>

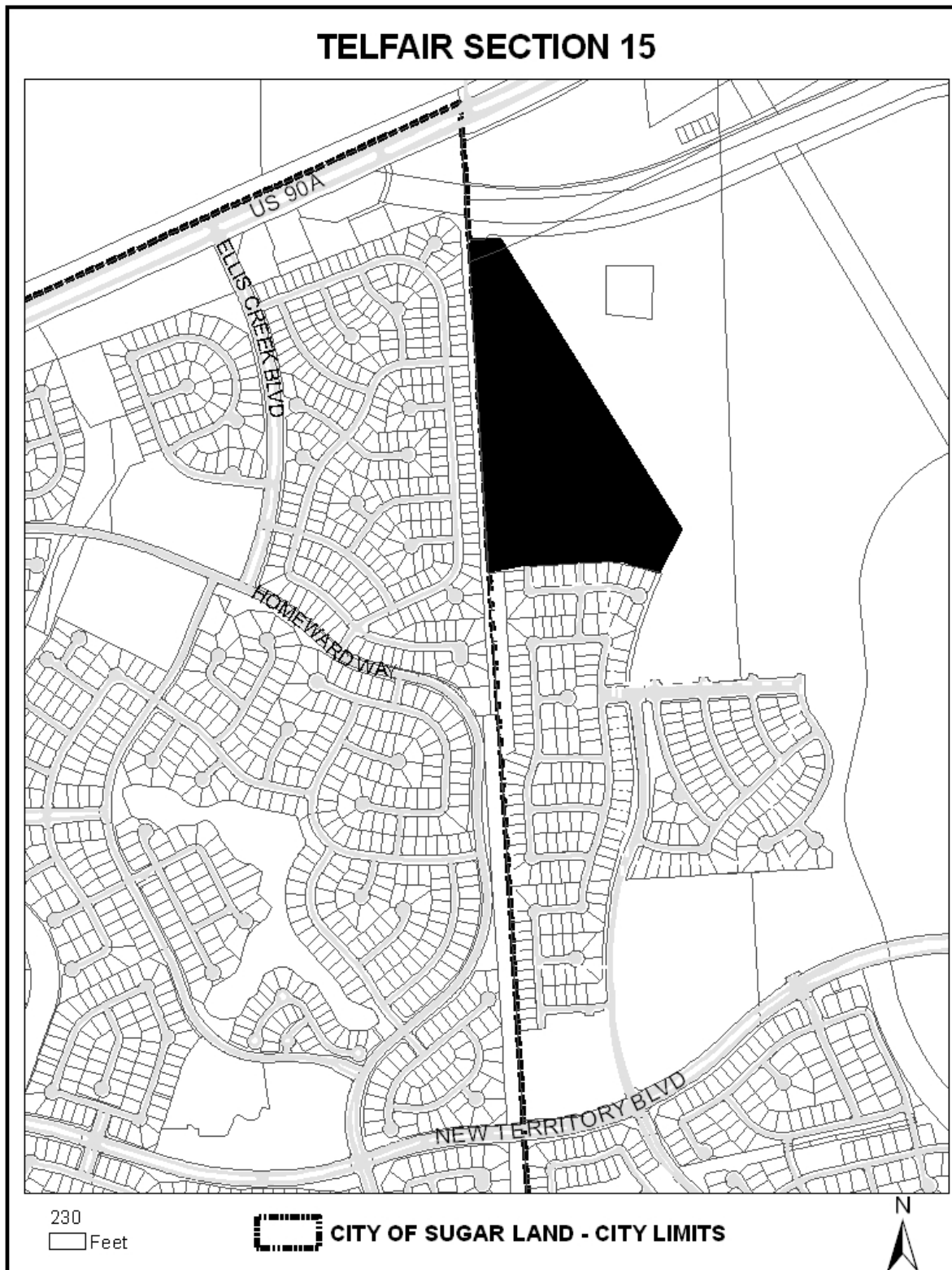
On November 16, 2004, City Council adopted the revised Land Use Plan portion of the City's Comprehensive Plan under Ordinance No. 1468. The Land Use Plan serves as a guide for recommendations of permanent zoning for annexed properties and rezoning of existing properties within the City. The 40.79 acres of Section 15 were intended for single-family residential development when the developer petitioned the City for annexation. This proposed land use is in accordance with the City's Land Use Plan, and the Telfair General Plan Amendment No. 3 (approved December 19, 2006).

#### POINTS FOR CONSIDERATION:

Request for Standard Single-Family Residential for Telfair Section 15 is:

- Not in conflict with the City of Sugar Land Comprehensive Plan
- In conformance with Telfair General Plan Amendment No. 3

**Vicinity Map:**





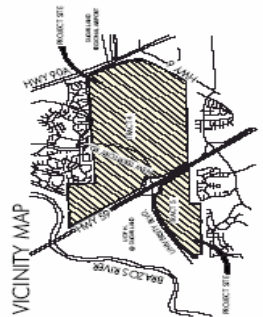
**Telfair General Plan (Amendment No. 3):**  
**Approved December 19, 2006**



**Legend**

<b>Tract 1: 134.1 Acres</b>	<b>Tract 2: 134.1 Acres</b>	<b>Tract 3: 134.1 Acres</b>	<b>Tract 4: 134.1 Acres</b>	<b>Tract 5: 134.1 Acres</b>	<b>Tract 6: 134.1 Acres</b>	<b>Tract 7: 134.1 Acres</b>	<b>Tract 8: 134.1 Acres</b>	<b>Tract 9: 134.1 Acres</b>	<b>Tract 10: 134.1 Acres</b>	<b>Tract 11: 134.1 Acres</b>	<b>Tract 12: 134.1 Acres</b>	<b>Tract 13: 134.1 Acres</b>	<b>Tract 14: 134.1 Acres</b>	<b>Tract 15: 134.1 Acres</b>	<b>Tract 16: 134.1 Acres</b>	<b>Tract 17: 134.1 Acres</b>	<b>Tract 18: 134.1 Acres</b>	<b>Tract 19: 134.1 Acres</b>	<b>Tract 20: 134.1 Acres</b>	<b>Tract 21: 134.1 Acres</b>	<b>Tract 22: 134.1 Acres</b>	<b>Tract 23: 134.1 Acres</b>	<b>Tract 24: 134.1 Acres</b>	<b>Tract 25: 134.1 Acres</b>	<b>Tract 26: 134.1 Acres</b>	<b>Tract 27: 134.1 Acres</b>	<b>Tract 28: 134.1 Acres</b>	<b>Tract 29: 134.1 Acres</b>	<b>Tract 30: 134.1 Acres</b>	<b>Tract 31: 134.1 Acres</b>	<b>Tract 32: 134.1 Acres</b>	<b>Tract 33: 134.1 Acres</b>	<b>Tract 34: 134.1 Acres</b>	<b>Tract 35: 134.1 Acres</b>	<b>Tract 36: 134.1 Acres</b>	<b>Tract 37: 134.1 Acres</b>	<b>Tract 38: 134.1 Acres</b>	<b>Tract 39: 134.1 Acres</b>	<b>Tract 40: 134.1 Acres</b>	<b>Tract 41: 134.1 Acres</b>	<b>Tract 42: 134.1 Acres</b>	<b>Tract 43: 134.1 Acres</b>	<b>Tract 44: 134.1 Acres</b>	<b>Tract 45: 134.1 Acres</b>	<b>Tract 46: 134.1 Acres</b>	<b>Tract 47: 134.1 Acres</b>	<b>Tract 48: 134.1 Acres</b>	<b>Tract 49: 134.1 Acres</b>	<b>Tract 50: 134.1 Acres</b>	<b>Tract 51: 134.1 Acres</b>	<b>Tract 52: 134.1 Acres</b>	<b>Tract 53: 134.1 Acres</b>	<b>Tract 54: 134.1 Acres</b>	<b>Tract 55: 134.1 Acres</b>	<b>Tract 56: 134.1 Acres</b>	<b>Tract 57: 134.1 Acres</b>	<b>Tract 58: 134.1 Acres</b>	<b>Tract 59: 134.1 Acres</b>	<b>Tract 60: 134.1 Acres</b>	<b>Tract 61: 134.1 Acres</b>	<b>Tract 62: 134.1 Acres</b>	<b>Tract 63: 134.1 Acres</b>	<b>Tract 64: 134.1 Acres</b>	<b>Tract 65: 134.1 Acres</b>	<b>Tract 66: 134.1 Acres</b>	<b>Tract 67: 134.1 Acres</b>	<b>Tract 68: 134.1 Acres</b>	<b>Tract 69: 134.1 Acres</b>	<b>Tract 70: 134.1 Acres</b>	<b>Tract 71: 134.1 Acres</b>	<b>Tract 72: 134.1 Acres</b>	<b>Tract 73: 134.1 Acres</b>	<b>Tract 74: 134.1 Acres</b>	<b>Tract 75: 134.1 Acres</b>	<b>Tract 76: 134.1 Acres</b>	<b>Tract 77: 134.1 Acres</b>	<b>Tract 78: 134.1 Acres</b>	<b>Tract 79: 134.1 Acres</b>	<b>Tract 80: 134.1 Acres</b>	<b>Tract 81: 134.1 Acres</b>	<b>Tract 82: 134.1 Acres</b>	<b>Tract 83: 134.1 Acres</b>	<b>Tract 84: 134.1 Acres</b>	<b>Tract 85: 134.1 Acres</b>	<b>Tract 86: 134.1 Acres</b>	<b>Tract 87: 134.1 Acres</b>	<b>Tract 88: 134.1 Acres</b>	<b>Tract 89: 134.1 Acres</b>	<b>Tract 90: 134.1 Acres</b>	<b>Tract 91: 134.1 Acres</b>	<b>Tract 92: 134.1 Acres</b>	<b>Tract 93: 134.1 Acres</b>	<b>Tract 94: 134.1 Acres</b>	<b>Tract 95: 134.1 Acres</b>	<b>Tract 96: 134.1 Acres</b>	<b>Tract 97: 134.1 Acres</b>	<b>Tract 98: 134.1 Acres</b>	<b>Tract 99: 134.1 Acres</b>	<b>Tract 100: 134.1 Acres</b>
-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	------------------------------	-------------------------------

**Section 15**



**TELFAIR**  
**LAND USE PLAN AMENDMENT 3**  
**OWNER: NEWLAND COMMUNITIES**  
**10033 W. LITTLE YORK, SUITE 260**  
**HOUSTON, TEXAS 77040**

**DESIGN FIRM: TBG PARTNERS**  
**10033 W. LITTLE YORK, SUITE 260**  
**HOUSTON, TEXAS 77040**

Original Date: July 30, 2003  
 Revised Date: Nov. 09, 2006

This document is the property of TBG PARTNERS and is not to be distributed outside the firm.

Scale: 1" = 400'

**GENERAL NOTES**

(1) The City of Houston has approved this map for use as a guide in the location of the project within the City of Houston. The City of Houston does not warrant the accuracy of the information shown on this map.

(2) The City of Houston has approved this map for use as a guide in the location of the project within the City of Houston. The City of Houston does not warrant the accuracy of the information shown on this map.

(3) Development will comply with applicable regulations relating to record plans of record.

**Application:**



RECEIVED

AUG 06 2007

**CURRENT PLANNING DIVISION  
CONDITIONAL USE PERMIT OR REZONING APPLICATION**

*Please type or print the following information & Return your submittal to the Development Services Department (Current Planning Division), 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Gretchen Pyle*

**Applicant**

**Contact** LJA Engineering & Surveying, Inc. Attention: Jason M. Kelly, P.E.  
**Address** 2929 Briarpark Drive, Suite 600, Houston, TX 77042  
**Phone** (713) 953-5064 **Fax** (713) 953-5026  
**Email** jkelly@ljaengineering.com

**Owner**

**Contact** NNP-Telfair, LP Attention: Keith Behrens, P.E.  
**Address** 10235 West Little York, Suite 300, Houston, TX 77040  
**Phone** (713) 575-9000 **Fax** (713) 575-9001  
**Email** kbehrens@newlandcommunities.com

**Property Legal Description** \_\_\_\_\_ **See Attached** X

**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Subdivision** Telfair Section 15

**Current Zoning District** Temporary R-1 **Proposed Zoning District, if applicable** R-1

**If this is a CUP application:** ☐ new building ☐ existing building

**Proposed Use (CUP only)** \_\_\_\_\_

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. **This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.**

X \_\_\_\_\_ 8/3/07  
**Signature of Applicant** **Date**

**Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):**

- ☒ Three (3) copies of the completed application
- ☒ Check for \$1,000.00 (non-refundable) \$400 if CUP is in MUC District
- ☒ Metes and bounds of the site and county slide number of plat, if recorded
- ☒ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☒ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☒ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

*Credit Card  
Authorization Form*

**Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.**

## Applicant Correspondence:

### LJA Engineering & Surveying, Inc.



2929 Briarpark Drive  
Suite 600  
Houston, Texas 77042-3703

Phone 713.953.5200  
Fax 713.953.5026  
www.ljaengineering.com

RECEIVED

AUG 06 2007

PLANNING

August 3, 2007

Ms. Gretchen Pyle  
Development Review Coordinator  
City of Sugar Land  
2700 Town Center Blvd. North, Ste. 259  
Sugar Land, TX 77479

Re: Rezoning Application  
Telfair Section 15  
Fort Bend County Municipal Utility District No. 137  
City of Sugar Land  
Fort Bend County, Texas  
LJA Job No. 1800-2015A (6.1)

Dear Ms. Pyle:

This letter is to request rezoning of Telfair Section 15 within the Telfair Development from Temporary R-1 to R-1.

NNP – Telfair, LP is the current owner of all the property within the requested Rezone area. NNP-Telfair, LP and Fort Bend County Levee Improvement District No. 17 are the owners of all property within 200 feet around the requested Rezone.

#### Owners

NNP – Telfair, LP  
10235 West Little York, Suite 300  
Houston, Texas 77040  
Phone 713.575.9000

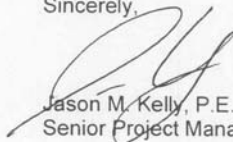
Fort Bend County Levee Improvement District No. 17  
c/o Lynne Humphries  
Allen Boone Humphries Robinson LLP  
3200 Southwest Freeway, Ste. 2600  
Houston, Texas 77027  
Phone 713.860.6465

#### Applicant

LJA Engineering & Surveying, Inc.  
2929 Briarpark Drive, Suite 600  
Houston, Texas 77042  
Phone 713.953.5200

Should you have any questions, please contact me at 713.953.5064.

Sincerely,

  
Jason M. Kelly, P.E.  
Senior Project Manager

JMK/rca

Copy: Mr. Keith Behrens, P.E., NNP – Telfair, LP

O:\LAND\1800\2015A\rezoning request.doc





## Legal Description (metes and bounds):

RECEIVED

August 2, 2007

AUG 02 2007 Job No. 9999-0263

DESCRIPTION OF  
40.793 ACRES

PLANNING

Being 40.793 acres of land located in the M. M. Battle League, Abstract 9, Fort Bend County, Texas, more particularly being a portion of the residue of a called 1651.239 acre tract conveyed to NNP-Keepsake, L.P., by instrument of record in File No. 2003149525, Official Public Records, of said Fort Bend County (F.B.C.O.P.R.), said NNP-Keepsake, L.P. now known as NNP-Telfair LP, by instrument of record in File No. 2006007940, F.B.C.O.P.R., said 40.793 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at the southwest corner of that certain called 34.323 acre tract conveyed to the Fort Bend County Levee Improvement District No. 17, by instrument of record in File No. 2004077317, F.B.C.O.P.R., on the west line of said 1651.239 acre tract and being the northwest corner of that certain Levee and Drainage easement conveyed to the Fort Bend County Levee Improvement District No. 17, by instrument of record in File No. 2004122210, F.B.C.O.P.R.;

Thence, with the west line of said 1651.239 acre tract and said Levee and Drainage easement, South 03° 32' 21" East, 122.52 feet to a point;

Thence, with the south line of said Levee and Drainage easement, North 86° 27' 39" East, 90.00 feet to the POINT OF BEGINNING;

Thence, continuing with the south line of said Levee and Drainage easement, North 45° 52' 29" East, 39.02 feet to a point for corner, the beginning of a curve;

Thence, continuing with the south line of said Levee and Drainage easement, 238.01 feet along the arc of a non-tangent curve to the left, having a radius of 2670.00 feet, a central angle of 05° 06' 27" and a chord which bears South 87° 25' 25" East, 237.93 feet to a point for corner;

## Legal Description (metes and bounds) Page 2:

40.793 acres

August 2, 2007  
Job No. 9999-0263

Thence, leaving the south line of said Levee and Drainage easement, South 24° 22' 00" East, 9.45 feet to a point for corner, the beginning of a curve;

Thence, 310.10 feet along the arc of a tangent curve to the left, having a radius of 1035.00 feet, a central angle of 17° 10' 00" and a chord which bears South 32° 57' 00" East, 308.94 feet to a point for corner;

Thence, South 41° 32' 00" East, 282.04 feet to a point for corner, the beginning of a curve;

Thence, 39.27 feet along the arc of a tangent curve to the right, having a radius of 25.00 feet, a central angle of 90° 00' 00" and a chord which bears South 03° 28' 00" West, 35.36 feet to a point for corner;

Thence, South 41° 32' 00" East, 50.00 feet to a point for corner, the beginning of a curve;

Thence, 39.27 feet along the arc of a non-tangent curve to the right, having a radius of 25.00 feet, a central angle of 90° 00' 00" and a chord which bears South 86° 32' 00" East, 35.36 feet to a point for corner;

Thence, South 41° 32' 00" East, 219.59 feet to a point for corner, the beginning of a curve;

Thence, 255.84 feet along the arc of a tangent curve to the right, having a radius of 815.00 feet, a central angle of 17° 59' 10" and a chord which bears South 32° 32' 25" East, 254.79 feet to a point for corner;

Thence, South 23° 32' 50" East, 251.55 feet to a point for corner, the beginning of a curve;



### Legal Description (metes and bounds) Page 3:

40.793 acres

August 2, 2007  
Job No. 9999-0263

Thence, 38.27 feet along the arc of a tangent curve to the right, having a radius of 25.00 feet, a central angle of  $87^{\circ} 41' 54''$  and a chord which bears South  $20^{\circ} 18' 06''$  West, 34.64 feet to a point for corner;

Thence, South  $25^{\circ} 50' 57''$  East, 80.00 feet to a point for corner;

Thence, North  $64^{\circ} 09' 03''$  East, 0.45 feet to a point for corner, the beginning of a curve;

Thence, 37.48 feet along the arc of a tangent curve to the right, having a radius of 25.00 feet, a central angle of  $85^{\circ} 54' 14''$  and a chord which bears South  $72^{\circ} 53' 50''$  East, 34.07 feet to a point for corner, the beginning of a reverse curve;

Thence, 184.22 feet along the arc of a tangent curve to the left, having a radius of 885.00 feet, a central angle of  $11^{\circ} 55' 36''$  and a chord which bears South  $35^{\circ} 54' 30''$  East, 183.89 feet to a point for corner;

Thence, South  $41^{\circ} 52' 18''$  East, 290.37 feet to a point for corner, the beginning of a curve;

Thence, 39.27 feet along the arc of a tangent curve to the right, having a radius of 25.00 feet, a central angle of  $90^{\circ} 00' 00''$  and a chord which bears South  $03^{\circ} 07' 42''$  West, 35.36 feet to a point for corner;

Thence, South  $48^{\circ} 07' 42''$  West, 119.42 feet to a point for corner, the beginning of a curve;

Thence, 323.06 feet along the arc of a tangent curve to the left, having a radius of 885.00 feet, a central angle of  $20^{\circ} 54' 54''$  and a chord which bears South  $37^{\circ} 40' 15''$  West, 321.26 feet to a point for corner, the beginning of a compound curve;

## Legal Description (metes and bounds) Page 4:

40.793 acres

August 2, 2007  
Job No. 9999-0263

Thence, 85.81 feet along the arc of a tangent curve to the left, having a radius of 2535.00 feet, a central angle of  $01^{\circ} 56' 22''$  and a chord which bears South  $26^{\circ} 14' 37''$  West, 85.80 feet to a point for corner;

Thence, North  $64^{\circ} 43' 34''$  West, 30.92 feet to a point for corner;

Thence, North  $76^{\circ} 46' 10''$  West, 255.26 feet to a point for corner;

Thence, North  $85^{\circ} 54' 09''$  West, 61.48 feet to a point for corner;

Thence, South  $86^{\circ} 27' 39''$  West, 518.97 feet to a point for corner;

Thence, South  $03^{\circ} 32' 15''$  East, 20.86 feet to a point for corner;

Thence, South  $86^{\circ} 27' 39''$  West, 125.00 feet to a point for corner on the east line of that certain Levee and Drainage easement conveyed to the Fort Bend County Levee Improvement District No. 17, by instrument of record in File No. 2004122211, F.B.C.O.P.R.;

Thence, with the east line of said Levee and Drainage easement of record in File No. 2004122211, and with a line 90 feet east of and parallel to the west line of the aforementioned 1651.239 acre tract, North  $03^{\circ} 32' 21''$  West, 2061.36 feet to the POINT OF BEGINNING and containing 40.793 acres of land.

LJA Engineering & Surveying, Inc.



Page 4 of 4